

REMARKS

Claims 1-5, 8-16, 19-25, 31 and 32 were rejected under 35 U.S.C. 102 as being anticipated by Gupton (U.S. Pub. No. 2002/0012426). By this Amendment, these claims have been cancelled. However, because Applicant disagrees with the basis for rejecting claims 5 and 8-10, and limitations similar to the limitations of these claims are found in new claims, these particular rejections will be discussed.

Claim 5 specified that a match between an incoming call and a number in the telemarketing database required both that the number be included in the telemarketing database and that an override condition not be set. Because it is possible the claim may have been misconstrued in view of the double negative nature in which the override condition was claimed, the limitation found in former claim 5 has been redrafted in new claim 33 to make it clear that the incoming call will be completed even if the calling party identification is found in the telemarketing database **if** an override condition is met. This creates a great deal of latitude not found in, nor suggested by, Gupton.

Claims 8-10 include limitations directed to how the database of telemarketing numbers is established. While Gupton discloses that a single subscriber can add an incoming call to the database, such an approach is impractical and not workable. For example, a subscriber might tire of receiving a call from a certain individual and add that individual's name to the database of telemarketing numbers to block future calls from that individual even though the individual is not a telemarketer. Worse yet, once such an individual's name is added to the database of telemarketing numbers, many other legitimate calls by that individual to other subscribers would be automatically blocked!!! Quite obviously, such a system has great potential for mischief, both unintentional as well as intentional, and thus is not practical or feasible in the real world.

In contrast to the disclosure of Gupton, Applicant's disclosure, and cancelled claim 8, required that an individual could not add an incoming call to the telemarketing database unless a preselected criterion for addition was met. This limitation is also carried over in new claims 33-40. To further clarify Applicant's claimed invention, the language "a preselected number of different subscribers," formerly found in cancelled

claim 9, has been rewritten to avoid any potential ambiguity that such phrase might incorrectly be interpreted as one or more. Claims 33-40 now specify that the calling party identification will not be added into the telemarketing database until a preselected criterion for addition is met and **more than one** subscriber identifies the potential telemarketing phone line as a potential telemarketing phone line. This makes a world of difference because it avoids the problems of Gupton. In addition, as disclosed in Applicant's specification beginning at the second paragraph of page 9, this also allows the telemarketing database to be generated over time based upon simple addition of numbers to the database as they become identified as telemarketing numbers. Furthermore, it also allows for periodic regeneration and pruning of the database, which is specifically addressed in new claim 38, to insure its accuracy and to eliminate numbers no longer used by telemarketers. It is precisely this type of real world application that is not discussed nor disclosed, nor even considered, by Gupton, or any of the other cited references.

Accordingly, it is respectfully submitted that none of new claims 33-40 are anticipated by Gupton.

Claim 6 was rejected under 35 U.S.C. 103(a) as being unpatentable over Gupton in view of Metcalf (U.S. Pub. No. 2002/0085700), claims 7, 17, 18 and 26 were rejected under 35 U.S.C. 103(a) as being unpatentable over Gupton in view of Wurster et al. (USP 6,459,780), claims 27, 28 and 30 were rejected under 35 U.S.C. 103(a) as being unpatentable over Gupton and in view of Wurster et al. and further in view of Garfinkel (USP 6,330,317) and claim 29 was rejected under 35 U.S.C. 103(a) as being unpatentable over Gupton in view of Wurster et al. and further in view of Pines et al. By this Amendment, all of these claims have been cancelled.

It is also respectfully submitted that none of new claims 33-40 are unpatentable in view of Gupton and any of the cited references. None of the cited references suggest or disclose that a telemarketing database can be populated by including numbers in the database once more than one subscriber identifies the potential telemarketing phone line as a potential telemarketing phone line deal and a preselected criterion is met, and this is the contribution to the art now claimed in Applicant's claims.

Based upon the foregoing, it is respectfully submitted that the claims are now in condition for allowance. Reexamination and reconsideration are respectfully requested.

In the event that any minor changes are needed to place this application in condition for allowance, a telephone call to the undersigned would be greatly appreciated.

Finally, Applicant would like to point out the following additional matters bearing on this application.

First, a PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a) is submitted herewith.

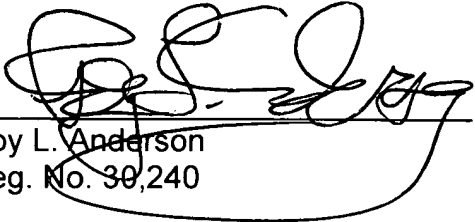
Second, check no. 1179 in the amount of \$475.00 is submitted herewith to pay the \$475.00 fee for a three month extension of time pursuant to 37 CFR 1.136(1).

Respectfully submitted,

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Dated: December 4, 2003

By:


Roy L. Anderson
Reg. No. 30,240

CERTIFICATE OF MAILING

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as First Class Mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

December 4, 2003
Date of Deposit

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